

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Randy R. Lynch,

Civil No. 09-2014 (RHK/SRN)

Petitioner,

**ORDER**

v.

Joan Fabian,

Respondent.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated August 20, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS ORDERED** that:

1. The Report and Recommendation (Doc. No. 8) is **ADOPTED**;
2. Petitioner's petition for writ of habeas corpus (Doc. No. 1) is summarily **DENIED**;
3. Petitioner's application for leave to proceed in forma pauperis (Doc/ No. 4) is **DENIED**; and

4. This action is **DISMISSED WITH PREJUDICE**.

Dated: September 15, 2009

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge